

16638 102403
U.S.PTO

16638

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 5693P029

First Inventor Abhijeet P. Gole, et al.

Title Synchronous Mirroring Including Writing Image Updates To A File

Express Mail Label No. EV336583712US

17497 1070924795
U.S.PTO

102403

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO:
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)

2. Applicant claims small entity status.
See 37 CFR 1.27.

3. Specification [Total Pages 29.]
(preferred arrangement set forth below)
- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table,
or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) [Total Sheets 8.]

5. Oath or Declaration (signed) [Total Pages 5.]
a. Newly executed (original or copy)
b. Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 18 completed)
i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76

7. CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. CD-ROM or CD-R (2 copies); or
ii. paper
c. Statements verifying identity of above copies

9. Assignment Papers (cover sheet & document(s))

10. 37 C.F.R. § 3.73(b) Statement Power of Attorney
(when there is an assignee)

11. English Translation Document (if applicable)

12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS
Citations

13. Preliminary Amendment Application Amended
to Reflect Claim of Priority

14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent.

17. Other: Copy of postcard with certificate mailing label showing
contents therein

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)

of prior application No: _____

Prior application Information: Examiner _____

Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS Customer Number

08791

or Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	(408) 720-8300	Fax (408) 720-8383

Name (Print/Type)	Arlen M. Hartounian	Registration No. (Attorney/Agent)	52,997
Signature		Date	10/24/03

Based on PTO/SB/05 (08-03) as modified by Blakely, Solokoff, Taylor & Zalman (wir) 08/11/2003.
SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

810.00

Complete if Known

Application Number

Filing Date

First Named Inventor

Abhijeet P. Gole

Examiner Name

Group/Art Unit

Attorney Docket No.

5693P029

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Paid	
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)		(\$)		770.00	

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid
20	3	20* = 0	18.00	\$0.00
		3* = 0	86.00	\$0.00

Multiple Dependent

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$)		0.00	

**or number previously paid, if greater. For Reissues, see below

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid		
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	1,210	2255	605	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

40.00

SUBMITTED BY

Name (Print/Type) **Arlen M. Hartounian**

Registration No.
(Attorney/Agent)

52,997

Telephone

(408) 720-8300

Signature

Date

10/24/03

EV336583712US

"Express Mail" mailing label number: EV336583712US

Date of Deposit: 10-24-03

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Carla Vignola

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

10/24/03
(Date signed)

Application No.: _____ Filing Date: _____ BSTZ Docket #: 005693.P029 Atty/Sec: JMB/AMH/cv
Date Mailed: 10/24/2003 Docket Due Date(s): _____ Client: NETWORK APPLIANCE INC
Title Synchronous Mirroring Including Writing Impane Updates To A File

Inventor(s) Gole, Muppalaneni, Smith, Federwisch

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

Amendment: (pgs) Information Disclosure Statement & PTO/SB/08 (pgs)
 Appeal Brief & two copies (pgs) Issue Fee Transmittal (original & copy)
 Application: Utility Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)
(29 pages w/ cover & abstract) Notice of Appeal
 Application Amended to Reflect Claim of Priority Petition for: _____
 Assignment & Cover Sheet (8 pgs) Request for Continued Examination (RCE)
 Certificate of Reply Brief (pgs)
 Continued Prosecution Application (CPA) Request to Rescind Previous Nonpublication Request
 Declaration & POA (5 pgs) (signed) Response to Notice of Missing Parts & Formalities Letter
 Drawings: 8 sheets, 8 figures Terminal Disclaimer
 Express Mail No: EV336583712US Transmittal of Formal Drawings
 Extension of Time: Transmittal of Publication Fee Due
 Fee Transmittal (original & copy) Transmittal Letter
 Other copy of postcard with certificate mailing label
showing contents therein. Check No. 60891 in the Amount of \$810.00
 Check No. in the Amount of _____

SV

Assignee: Network Appliance, Inc.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Abhijeet P. Gole
Title	Synchronous Mirroring Including Writing Image Updates To A File
Attorney Docket Number	5693P029

I hereby certify that the invention disclosed in the attached application **has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.**

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

10/24/03

Date



Signature

Arlen M. Hartounian, Reg. No. 52,997

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 112(b)(2)(B)(iii)).**